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No. 0838 P. 1



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PAGES: 13 including cover

DATE: January 21, 2005

FROM: Steven J. Elleman  
937.443.6838  
Steve.Elleman@ThompsonHine.com

TO: **Monica Smith Carter**  
Primary Examiner  
United States Patent and Trademark Office  
Art Unit: 3722

PHONE: 571-272-4475  
FAX: 703-872-9306

PLEASE SEE ATTACHED.

Re: Application of

Applicant : Richied  
Serial No. : 10/696,499  
Filed : October 29, 2003  
Title : DIVIDER WITH MOVABLE TAB  
Docket : 100041-41185  
Examiner : Monica S. Carter  
Art Unit : 3722

**REQUEST TO CONSIDER CORRESPONDENCE NEVER RECEIVED AS TIMELY  
FILED IN ACCORDANCE WITH CERTIFICATE OF MAILING (37 C.F.R. § 1.8(b))**

Per Andrea L. Wellington, the examiner's supervisor, this facsimile is being sent to Examiner Monica S. Carter at facsimile 703-872-9306.

Problems with transmission? Call Marriet Burdick at 937-331-6044.

mlb 00000.100041.41185

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THOMPSON HINE LLP  
ATTORNEYS AT LAW

2000 Courthouse Plaza, N.E.  
P.O. Box 8801  
Dayton, Ohio 45401-8801

www.ThompsonHine.com  
Phone 937.443.6600  
Fax 937.443.6635

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1/21/05

Date of Deposit

*SL*  
Attorney

41,733

Reg. No.

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of

Applicant : Richied  
Serial No. : 10/696,499  
Filed : October 29, 2003  
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Examiner : Monica S. Carter  
Art Unit : 3722

Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450

Sir:

**REQUEST TO CONSIDER CORRESPONDENCE NEVER RECEIVED AS TIMELY  
FILED IN ACCORDANCE WITH CERTIFICATE OF MAILING (37 C.F.R. § 1.8(b))**

This is a request to consider correspondence filed in the above-identified application as being timely filed in accordance with the procedures of 37 C.F.R. § 1.8(a).

An Amendment filed in response to an Office action dated July 23, 2004 was mailed on October 14, 2004. A copy of such Amendment is enclosed. As can be seen that Amendment includes a Certificate of Mailing certifying that the correspondence was being deposited with the United States Postal service on October 14, 2004. Also submitted herewith is a copy of a letter, dated October 14, 2004, from the undersigned to the Applicant reporting the filing of the subject

Serial No. 10/696,499  
Attorney Docket No. 100041-41185  
Petition

paper on October 14, 2004. This letter is provided as further evidence that the paper of October 14, 2004 was properly mailed on that day.

On January 14, 2005, the undersigned discovered that the United States Patent and Trademark Office has not received the Amendment filed on October 14, 2004. Accordingly, this Request is being promptly submitted upon discovery that the Office never received that paper.

In view of the foregoing, it is hereby requested that the correspondence filed in the above-identified application be considered as being timely filed and considered by the Examiner.

Respectfully submitted,



---

Steven J. Elleman  
Reg. No. 41,733

THOMPSON HINE LLP  
2000 Courthouse Plaza NE  
10 West Second Street  
Dayton, Ohio 45402-1758  
PH (937) 443-6838

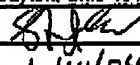
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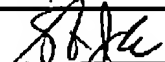
PTO/SB/21 (08-03)

Approved for use through 08/30/2003. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b>  <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/696,499	
	Filing Date	October 29, 2003	
	First Named Inventor	Richied	
	Art Unit	3722	
	Examiner Name	M.S. Carter	
Total Number of Pages in This Submission	8	Attorney Docket Number	100041-41185

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <div style="text-align: center;">Return Postcard</div>
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Firm or Individual name	Thompson Hine LLP 2000 Courthouse Plaza N.E., 10 West Second Street Dayton, Ohio 45402-1758	
Signature		
Date	10/14/04	

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Typed or printed name	Steven J. Elleman, Reg. No. 41,733		
Signature		Date	10/14/04

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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